

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

JEFFREY A. HARKER,)
)
Plaintiff,)
)
v.) No. 1:14-CV-00005-AGF
)
JOHN JORDAN, T.C. STEVENS, JAMES)
MULCAHY and RUTH ANN DICKERSON,)
in their individual and official capacities,)
)
Defendants.)

**PLAINTIFF'S SUPPLEMENTAL RESPONSE
REGARDING DEFENDANTS' MOTION TO LIFT STAY**

Plaintiff Jeffrey A. Harker (“Plaintiff”) submits the following Supplemental Response with respect to Defendants’ Motion to Lift Stay:

1. Defendants moved to lift the stay of these proceedings on August 30, 2016 in light of Judge Jackson’s August 16 ruling in *Simpson v. County of Cape Girardeau*, No. 1:14-cv-00013. Plaintiff filed a response the following day.
2. On September 1, 2016, the Court conducted a teleconference with the parties regarding the resolution of *Simpson*. During the teleconference, the parties and the Court discussed the possibility that the plaintiff in *Simpson* would appeal Judge Jackson’s decision to the Eighth Circuit. At the end of the teleconference, the Court requested that Plaintiff inform the Court about any such developments.
3. Based upon counsel’s review of the *Simpson* docket, it appears that the plaintiff filed a timely notice of appeal on September 15.
4. Therefore, to avoid a multiplicity of litigation, Plaintiff respectfully reiterates his request that the Court continue the current stay until any appeal in *Simpson* has run its course.

5. As Defendants acknowledged during the September 1 teleconference, if the Court continues the current stay, Defendants will not suffer any prejudice in light of the existing judgment in *Simpson*, although the reversal of the *Simpson* judgment on appeal would affect the substantial rights of Plaintiff in this action.

CONCLUSION

Plaintiff Jeffrey A. Harker respectfully requests that the Court deny Defendants' Motion to Lift Stay and maintain the current stay pending the resolution of any appeal in the *Simpson* action.

Dated: September 16, 2016

Respectfully submitted,

BRYAN CAVE LLP

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on all counsel of record by operation of the Court's CM/ECF system this 16th day of September, 2016.

/s/ *Jonathan B. Potts*